IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR. JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 13937 of 2004

Between:

1.Smt G.Vijayalakshmi, W/o Kamalakar, aged about 27 years,
Working as Junior Assistant Cum Computer Operator / Data

Entry Operator, I.C.D.S.Project, Women Development
and Child Welfare Department at Ramannapet, Nalgonda

District.
2.Kum.M.Gayatri, D/o Ramamohan, aged about 22 years,
Working as Junior Assistant Cum Computer Operator / Data

Entry Operator, I.C.D.S.Project, Women Development
and Child Welfare Department at Ramannapet, Nalgonda

District.
3.S.Aruna, W/o Venkata Giri, aged about 27 years,
Working as Junior Assistant Cum Computer Operator / Data

Entry Operator, I.C.D.S.Project, Women Development
and Child Welfare Department at Mungode, Nalgonda District.
4.Kum.A.Jaya Sree, D/o A.Guravaiah, aged about 21 years,
Working as Junior Assistant Cum Computer Operator / Data

Entry Operator, I.C.D.S.Project, Women Development
and Child Welfare Department at Bhongiri, Nalgonda District.

..... PETITIONERS

AND

1.The Project Director, I.C.D.S World Bank, Women Development

and Child Welfare Department, Nalgonda.
2.The District Collector and District Training Commissioner,

Nalgonda District, Nalgonda.
3.The Director and Commissioner, Women Development and Child

Welfare Department World Bank, Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction or an appropriate Writ more particularly in the nature of Writ of Mandamus directing the respondents to retain and continue the Petitioners as Junior Assistant cum Computer Operators / Data Entry Operators on the same terms and conditions on which they were appointed, by holding that the impugned orders issued in Proceedings Rc.No.1137/C/2003 dated 3-8-2004 of the first respondent as arbitrary, unjustfied, discriminatory and violative of Articles 14,16 and 21 of the Constitution of India and other orders on the subject.

Counsel for the Petitioners: MR.GOPALA RAO GANDRAKOTA

Counsel for the Respondent Nos.1 to 3: GP FOR WOMEN DEV. & CHILD WELFARE

The Court at the stage of admission made the following :

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THE HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION No.13937 OF 2004

ORDER:

The petitioners are contending that they worked as Junior Assistants-cum-Computer Operators/Data Entry Operators in Integrated Child Development Service (I.C.D.S.) Project, World Bank at Ramannapet, Nalgonda District. Their grievance is that the first respondent issued an Order dated 03.08.2004 discontinuing the services of the petitioners on the ground that the contract period has been completed and further requested the recruitment agency to inform the Data Entry Operators and withdraw them from I.C.D.S.Projects.

2. The petitioners being aggrieved by the said Order, approached this Court through this writ petition, seeking a direction that the petitioners are entitled to continue in service on the same terms and conditions on which they were appointed and to hold that the impugned proceedings are arbitrary, unjust and discriminatory and violative of Articles 14, 16 and 21 of the Constitution of India.

3. The petitioners were recruited through a private recruitment agency under a contract dated 24.02.2003 between the first respondent and the private recruitment agency, which was agreed to be in force for a period of one year. In terms of the said

contract, the petitioners were disengaged along with other similarly placed persons.

4. The learned counsel for the respondents submitted that as per G.O.Ms.No.24 dated 23.05.2002, the Government of India, Department of Women and Child Development have conveyed their approval for grounding a total of 143 Integrated Child Development Service projects to cover the uncovered rural areas in the State of Andhra Pradesh at a project cost of Rs.392.75 Crores over a period of five years from 1998-99 to 2003-2004 with the World Bank Loan Assistance. Accordingly, the State Government have accorded sanction for grounding 42 Integrated Child Development Service projects during the first year of the five year period vide G.O.Ms.No.5 dated 28.01.1997 and 35 New Integrated Child Development Service projects during the year 2000-2001 vide G.O.Ms.No.10 dated 19.03.2001 and the State Government have also accorded sanction for the groundings of 100 Integrated Child Development Service projects vide G.O.Ms.No.24 dated 23.05.2002 and G.O.Ms.No.33 dated 11.07.2002. The learned counsel for the respondent further submitted that as per the Government Order, the tenure of programme was five years from 1998-99 to 2003-2004 and as the period of contract is over, the petitioners cannot claim that they are entitled to continue in service.

5. As seen from the terms of contract between the recruitment agency and the first respondent, the petitioners were appointed with a specific understanding that they would continue to work for a period of one year. The petitioners contend that they were not given notices before passing the impugned order or that no specific reasons were given in the impugned order. In the light of the terms of the contract, they cannot claim that they have a right to continue in service. Therefore, the petitioners cannot maintain the present writ petition on the ground that the impugned order is illegal and arbitrary. The respondents are silent whether there is any proposal to continue the scheme and whether they are appointing any other set of persons for similar work after the disengagement of the petitioners. In the event of the continuation of such scheme, and in the event of the respondents contemplating to engage people for similar work, the candidature of these petitioners may also be taken into consideration while engaging such persons.

The Writ Petition is accordingly disposed of. No order as to costs.

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(Dr.G.YETHIRAJULU,J)

Date:13th September, 2004.

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NOTE:

Issue C.C. within one week.

(B/O)

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ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Project Director, I.C.D.S. World Bank, Women Development and Child Welfare Department, Nalgonda.
2. The District Collector and District Training Commissioner, Nalgonda District, Nalgonda.
3. The Director and Commissioner, Women Development and Child Welfare Department, World Bank, Andhra Pradesh, Hyderabad.
4. Two C.Cs. to the Government Pleader for Women Development and Child Welfare, High Court Buildings, Hyderabad (O.U.T.).
5. Two C.D. copies.